

# South Coast Air Quality Management District

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# Small Business Assistance Conference



#### **Environmental Justice Update**

South Coast Air Quality Management District

Oscar Abarca, Assistant Deputy Executive Officer, Public Affairs













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#### **Environmental Justice Update**

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# How does OPR coordinate State Agency EJ Efforts? - Briefings for Department Directors & staff - Training for State Agency Staff - Identifying Models for Successful EJ Work - Consultation regarding Policy - Development - Integration Into ongoing State Agency - Processes













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### Common Elements of State Agency EJ Policies

- · Access to Information
- Public Participation
- Examination of Legal Framework
- Identification of Data Gaps
- Mitigation Strategies
- Employee Training

#### Local General Plans

- Existing law requires OPR to adopt guidelines for preparation and content of the mandatory elements required in city and county general plans.
- OPR now updating the 1998 General Plan Guidelines

#### Update of General Plan Guidelines

- Improved public participation
- How to prepare comprehensive updates to a general plan
- Element consolidation and integration
- Implementation, monitoring and reporting
- Water supply & water quality
- Optional energy planning element

#### EJ Considered in General Plans

- AB1553 requires OPR by July 1, 2003 to supply guidelines for addressing EJ matters in city and county general plans.
- Guidelines will address such matters as equitable distribution of new public facilities and services & promotion of more livable communities by expanding opportunities for transit-oriented development.

#### Timeline for Update of Local General Plans Guidelines

- Draff quidelines are now available.
- A 80-day public review period will be held, ending November 16, 2002
  - At least one public hearing will be held on the draft guidelines prior to their adoption in 2003

#### Environmental Goals and Policy Report

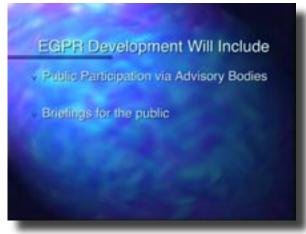
- Requires since 1978
- Bets out broad goals, policies and decisions of state government, related to statewide growth and development and preservation of environmental quality

Provides guidance for: ("potential legislation action | Itali levels of governments | Italiacation of state resources

Government Code § 65041-65049



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## California Environmental Protection Agency

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#### Environmental Justice Presentation Small Business Assistance Conference ROMEL PASCUAL Assistant Secretary for Environmental Justice, Cal/EPA (916) 324-8425 www.calepa.ca.gov/envjustice October 21, 2002

#### What will the Presentation cover?

- Brief Overview of Cal/EPA
- History of EJ in California Legislation
- ✓EJ Legislative Obligations
- ✓EJ in the Siting Context
- ✓EJ and Public Participation
- Future Challenges and Opportunities

#### About Cal/EPA

- Formed in 1991 as single Cabinet-level
- Consists of 6 boards, departments, and office under the umbrella of the Office of the Secretary
- The Secretary has statutory responsibilities to coordinate and supervise the overall performance of the Agency - providing vision and leadership on the goals of the
- Cal/EPA given the responsibility for coordinating issues which cross jurisdictional

#### What is Environmental Justice?

It includes - Social, Built and Natural Environment

- Redefines of how we think about the Environment

State Definition: con Colo

"Fair treatment of people of all races cultures, and incomes with respect to the development, adoptio implementation, and enforcement of environmental laws and policies"

#### A Brief History - Setting The Context

- > 1982 Warren County, NC PCB Dumping
- 1987 Landmark Study- "Toxics Waste and Race" by UCC Commission for Racial Justice
- 1991 1<sup>st</sup> National People of Color Environmental Leadership Summit Wash. D.C
- 1992 Natī Law Journal Enforcement Study
- 1992 EPA Office of Environmental Justice
- 1994 Clinton signed Executive Order 12898
   1999/2000 California passes EJ Legislation (SB 115, and SB 89)

#### Policy Makers Response: Federal Government

- EXECUTIVE ORDER 12898 (1994):
- Directs all agencies to make EJ a priority
- National Environmental Justice Advisory Council (NE) Federal Advisory Committee (1995)
- E) Guidance in the National Environmental Protection Act (NEPA)
- National EJ Grants Programs (1996) Title VI Guidance (1998)

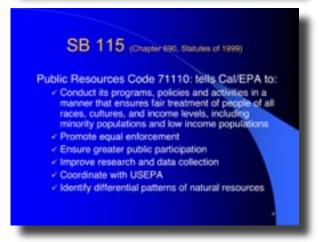
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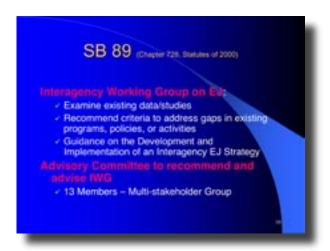
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# EJ not a new concept for CA Past legislative attempts AB 937 (1991) - Demographic data in the Permit Streamlining Act on high impact projects (no data in not approved) AB 3004 (1992) - Similar to AB 937 - except that separate demographic information not required it already in an ER or another public document filled with the permit application. 58 455 - Integrate EJ into the land use element of the general plant - Avoided concentration of waste facilities near residential areas. 58 1113 (1997) - Amendments to CEGA to include identification and mitigation of adverse effects on minority and low-income populations. AB 2237 (1998) - Directed certain loans and grants to ameliorate high and adverse effects on human health and the environment.

#### Policy Makers Response: California

- Cal/EPA agencies to develop mission statement and strategy
- Sis 80: Develops Interagency Working Group and EJ Advisory Committee





#### Cal/EPA Environmental Justice Strategic Vision Goal

- Published in July 2000, the Cal/EPA's Strategic Vision Document sets forth a roadmap for environmental protection in California
  - EJ Goal: "Reducing or eliminating the disproportionals impacts of pollution on low-income and minority populations."
- Each Board, Department and Office incorporated
   EJ into their Strategic Plan
  - ARB EJ Policies and Actions
  - · DTSC Draft EJ Policy

#### Cal/EPA EJ Mission Statement

To accord the highest respect and value to every individual and community, the California Environmental Protection Agency and its Boards, Departments and Offices shall conduct their public health and environmental protection programs, policies and activities in a manner that is designed to promote equality and afford fair treatment, full access and full protection to all Californians, including low income and minority populations.



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#### Agency Secretary Commitment Memo to EJ

#### Achievement of EJ through:

- Enhanced Public Participation and meaningful Public Input
- Capacity Development of all stakeholders
- EJ Opportunities in current statutes and regulations
- Strengthen research and application of existing tools – e.g. cumulative impact assessments and pollution prevention

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- Defines environmental justice in statute
- Establishes the Governor's Office of Planning and Research as the coordinator among state agencies on environmental justice.
- Requires Cal/EPA and its BDOs to incorporate environmental justice elements into their missions.
- Directs Cal/EPA to develop a model environmental justice mission statement

#### ENVIRONMENTAL JUSTICE AND SITING

Environmental justice issues arise when issues related to quality of life are not taken into account in decision-making processes.

"Quality of Life" issues are difficult to define and measure, but are critically important to communities.

#### What We're Learning: "Quality of Life" Concerns in Siting

LOCATIONAL - Impact of Community's Use of Space

NUISANCE - Impact on the Enjoyment and Value of Property

CULTURAL AND SOCIAL – Impact on Community's Sense of Belonging and Security

ECONOMIC – Impacts on Economically Sound Resource Protection

#### LOCATIONAL – Impact Considerations

- Proximity to homes, schools, parks, etc.
- Environmental Exposure to hazardous substances – air, water, soil, food
- ➤ Potential for Accidental releases
- Transportation Impacts
  - routes proximity to sensitive areas (i.e. schools)
  - Increase in truck traffic exhaust from idling tracks.

#### NUISANCE - Impact Considerations

#### Noise and Odors affecting:

- -Outdoor activities
- Development of neighboring properties
- Land and property values
- Air emissions
- Overall look of neighborhood for the worse

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#### CULTURAL AND SOCIAL - Impact Considerations Community use of land for social and cultural purposes Garden in the area or fish in nearby streams Subsistence fishing

 Impacts on sacred sites or historical structures

#### ECONOMIC - Impact Considerations

- De-valuation of resident's investment in their community
- Local job creation vs. residents' job skills
- Job displacement as a result of new facility.
- Who economically benefits? community or outside the community

# **Environmental Justice** and Public Participation

#### Changing Demographics in the State (People of color = 53.3%)

- Latinos: 32.4%
- Asian/Pacific Islanders: 11.1%
- African Americans: 6.4%
- Native American/Alaska Native: .5%
- Multiracial/Other: 2.9%

#### Changing Demographics in the State

- At least 25.9% of the State are born outside the
- U.S. (2000) Asia: 34% Mexico/Latin America: 54.8%
- In 1990, 35% of all Bay Area households spoke a language other than English at home

  - 9.3% spoke Spanish 9.2% spoke an Asian language

#### Common Public Participation Model

- > DECIDE
- > ANNOUNCE
- > DEFEND



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## What an EJ participation model suggests:

- Outreach and involve communities early and ongoing
- Commit and provide resources to communities
- Listen to communities most impacted
- Greater commitment to the above

#### Addressing Community Concerns

- Encourage community involvement at all levels of policy making
- **Community Capacity Building**
- Ensure that policy or programs which affects communities nurtures community based leadership.
- Technical Assistance and Technical Tools
- Utilize institutional mechanisms or tools which responds to community concerns
- Short\_term and Long term Policy Implications
- Explore resources to respond to community's immediate concerns
- Analyze long term implications or effects of policy

#### **Future Opportunities**

- As Cal/EPA embarks to further address EJ, we hope to
  - Research and Data Collection on Cumulative Impacts
  - Assessing and Developing Protocol to identify and analyze EJ concerns
  - Investment in the capacity-building of communities
  - Utilize innovative approaches such as pollution prevention to address EJ
  - Develop meaningful mechanisms to ensure public involvement at all levels of decision-making